

**COMMONWEALTH OF KENTUCKY  
DEPARTMENT OF INSURANCE**

**AGENT LICENSING DIVISION**

**STAFF ADJUSTER  
INDEPENDENT ADJUSTER  
PUBLIC ADJUSTER  
APPRENTICE ADJUSTER**

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**This document is for general information purposes only. It does not amend or precede provisions of the Kentucky Revised Statutes or Administrative Regulations. For more complete information, refer to the Kentucky Insurance Code.**

A person who is paid to investigate, negotiate, or settle claims arising under insurance contracts must be licensed as an adjuster.

**Exceptions** – An adjuster license is not required for:

- Adjuster who is sent to Kentucky by an insurer for the sole purpose of investigating or making adjustment of a particular loss resulting from a declared common catastrophe, such as a tornado or hailstorm, officially declared by ISO (PCS), Disaster and Emergency Services, Office of the Governor. Under these circumstances, the unlicensed adjuster is permitted to adjust claims for up to 90 days, if the insurer files a request for unlicensed adjusters to adjust claims on electronic Form 8307, within 5 days of individual's work in the state;
- Attorney licensed to practice law in Kentucky, acting in their capacity as an attorney for a specific client only. (If adjusting claims in general, an adjuster license is required);
- A person employed solely to obtain facts surrounding a claim or to furnish technical assistance to a licensed independent adjuster;
- An individual who is employed to investigate suspected fraudulent insurance claims, but who does not adjust losses or determine claims payments;
- A person who solely performs executive, administrative, managerial, or clerical duties, or any combination thereof, and who does not investigate, negotiate, or settle claims with policyholders, claimants, or their legal representatives;
- A licensed health care provider or its employee who provides managed care services as long as the services do not include the determination of compensability;
- A health maintenance organization or any of its employees or an employee of any organization providing managed care services as long as the services do not include the determination of compensability;
- A person who settles only reinsurance or subrogation claims;
- An officer, director, manager, or employee of an authorized insurer, surplus lines insurer, or risk retention group, or an attorney-in-fact of a reciprocal insurer;
- A United States manager of the United States branch of an alien insurer;
- A person who investigates, negotiates, or settles claims arising under a life, accident and health, or disability insurance policy or annuity contract;
- An individual employee, under a self-insured arrangement, who adjusts claims on behalf of his or her employer;
- A licensed agent, attorney-in-fact of a reciprocal insurer, or managing general agent of the insurer, to whom claim authority has been granted by the insurer; or
- A person who:
  - Is an employee of a licensed independent adjuster or an employee of an affiliate that is a licensed independent adjuster or is supervised by a licensed independent adjuster, if there are no more than twenty-five (25) persons under the supervision of one (1) licensed individual independent adjuster or licensed agent who is exempt from licensure pursuant to paragraph (m) of this subsection;
  - Collects claim information from insureds or claimants;
  - Enters data into an automated claims adjudication system; and
  - Furnishes claim information to insureds or claimants from the results of the automated claims adjudication system.
    - For purposes of this paragraph, "automated claims adjudication system" means a

preprogrammed computer system designed for the collection, data entry, calculation, and system-generated final resolution of consumer electronic products insurance claims that complies with claim settlement practices pursuant to Subtitle 12 of KRS Chapter 304.

**Types of Adjusters** – The Department of Insurance issues three classes of adjuster license as listed below.

- **Independent Adjuster** – an adjuster who is an independent contractor, or employee of a contractor, who investigates, negotiates, and settles claims solely on behalf of insurers. Independent adjusters may be licensed with a Property & Casualty line of authority, a Crop line of authority, or a Workers' Compensation line of authority;
- **Staff Adjuster** – an adjuster who investigates, negotiates, and settles claims solely on behalf of insurers, and who is an employee, as defined in the Internal Revenue Code, United States Code, Title 26, Subtitle C. Staff adjusters may be licensed with a Property & Casualty line of authority, a Crop line of authority, or a Workers' Compensation line of authority;
- **Public Adjuster** – an adjuster who investigates and settles claims solely on behalf of the insured. Public adjusters may only be licensed with a Property & Casualty line of authority;

**NOTE:** In addition, licensed adjusters with a line of authority for workers' compensation, should visit the website of the Kentucky Department of Workers' Claims at <http://labor.ky.gov/dwc> for important information.

Insurance law expressly prohibits an adjuster from representing the interests of both the insurer and the claimant. Thus, the applicant for an adjuster license must select which group the adjuster intends to represent. Online application at: [www.nipr.com](http://www.nipr.com)

## **INDIVIDUAL RESIDENT OR NONRESIDENT ADJUSTER**

The Kentucky Insurance Code provides for an independent adjuster license, staff adjuster, or public adjuster license without distinguishing between a resident and a nonresident; examination is waived if the individual has passed a state-administered or -sanctioned examination and an adjuster license was issued. An authorized insurer may not do business with an unlicensed adjuster in the Commonwealth of Kentucky.

**QUALIFICATIONS** – To be licensed as an independent adjuster, staff adjuster, or public adjuster, the individual applicant must:

- **Be at least 18 years old;**
- Is eligible to designate Kentucky as his or her home state (if applying as a resident adjuster);
- Is trustworthy, reliable, and of good reputation, evidence of which shall be determined through an investigation by the commissioner;
- Has not committed any act that is a ground for probation or suspension, revocation, or refusal of a license as set forth in KRS 304.9-440;

- Has successfully passed the examination for the adjuster license and the applicable line of authority for which the individual has applied;
- Has paid the fees established by the commissioner pursuant to KRS 304.4-010; and
- Is financially responsible to exercise the license.

NOTE: If applying for a RESIDENT PUBLIC ADJUSTER license, applicant is required to file proof of \$20,000 Surety Bond Form 99-3, or \$20,000 Irrevocable Letter of Credit Form 99-2

**APPLICATION** – The applicant is required to certify, under penalty of perjury, that the application for the license is true. Application may be made on Form 8301, or electronically through [www.nipr.com](http://www.nipr.com).

Resident applicants must also order a Criminal Background Report through <http://courts.ky.gov>. Apply for criminal background report online. The non-refundable fee is \$15, payable by credit card or electronic check.

- Click on “Obtain a Criminal Record Report”
- If you are a first-time user, select **Register** to create account. You will receive an e-mail to verify your e-mail address. If you have an account, click **Login** to access your account. You must select **AOC FastCheck**, then **Add a New Batch**. Under Category, select “**Licensing**,” under Group, select “**Dept of Insurance (DOI)**,” under Reason, select “**Licensing**.” Follow these directions to complete your request to ensure the Department of Insurance receives an official copy of your report.

***Please note:** If you do not complete these steps, the Department of Insurance (DOI) will not receive the official copy of your background check and you will need to re-apply for a new report. Online requests are processed within 2 business days of being received. According to AOC, current processing time for background requests submitted on a paper form is 21 days.*

**FEES** – The adjuster license applicant must remit \$50 for the license, and \$50 for the examination, if the adjuster has not qualified by examination and licensed in another state.

#### **PRE-LICENSING TRAINING – N/A**

**EXAMINATION** – The individual must pass the adjuster examination, unless the applicant has an adjuster license that is based on a state-administered or sanctioned adjuster examination in another state.

After the Department has determined that the application and all necessary attachments are in order, the applicant will receive an examination notice that contains testing site information and the expiration date of the application. At that time, the individual must schedule an appointment for the examination online after setting up a password-protected account, by clicking on eServices at <http://insurance.ky.gov> or by calling the Agent Licensing Division at 502-564-6004.

**ALL APPLICANTS MUST VERIFY “PENDING EXAMINATION” STATUS ONLINE IN ORDER TO SCHEDULE AN EXAM. ALSO, ALL APPLICANTS MUST PROVIDE GOVERNMENT-ISSUED PHOTO IDENTIFICATION WHEN ARRIVING FOR ANY EXAMINATION.**

The applicant has 120 days from the date of the license application to pass the exam. **The applicant may not take the exam more than three times during this 120-day period.** If the applicant takes an exam

and does not pass it, the applicant must schedule the retake and pay the \$50 fee online at <http://insurance.ky.gov> through eServices. The expiration date of the application appears on the initial exam notice, and may also be found on the applicant's profile through the eServices account. The application will be denied if the applicant fails to pass the exam prior to the expiration date. After this date, you may submit a new application, new AOC background check report, and appropriate fees to set up a new 120-day exam period.

**Please be advised that if an applicant schedules an appointment for an exam and fails to appear for the scheduled appointment, the applicant will be required to pay an additional retake fee and schedule a new appointment.**

All passing exam scores are good for one year. If license is never activated within this one-year period, the applicant must complete the application process again. This means that the applicant must submit all forms and fees, just like a first-time applicant, and pass the required examinations.

#### **LICENSE RENEWAL –**

License is renewed online.

- **Renewal** may be completed up to 6 months prior to license renewal deadline.
- **Renewal notification is mailed** to the current address of record filed with the Department at least 30 days before the renewal deadline.
- **Second notice email reminder** is sent on the first day of birth month for individuals due for renewal.
- **Renew online** at <https://www.nipr.com>, or through eServices at <http://insurance.ky.gov>.
- **Confirmation** of renewal information is available on our website at <http://insurance.ky.gov> through eServices in the top right corner, or through Agent/Agency search from the home page.
- **Renewal period** is based solely on the licensee's birth date. Licensees must initially be licensed for one full year, and then are subject to renewal.
- **Renewal deadline** is no later than the last day of the birth month in even numbered years if born in an even year, or odd numbered years if born in an odd year.

License renewal is solely the responsibility of the licensee.

**Failure to Renew License by Deadline** – If the Department does not receive the license renewal invoice and any required fees within 60 days of renewal compliance date, the license will automatically expire. The licensee will be prohibited from conducting insurance business until the license is reissued.

However, if the licensee completes the renewal, pays the late renewal penalty payment, and any required renewal fees within 60 days after the deadline, there is no need for a new license application or other documentation.

**REISSUE OF TERMINATED LICENSE** – The former licensee will have one year from the license termination date to re-qualify for the license without having to take the required examination. However,

the former licensee must submit a newly completed license application with all required attachments, new AOC background report, and pay the applicable fees.

There will be a gap in the license from the date of the license termination until the date the license is reissued. During this gap, the licensee cannot exercise the license until the license is reissued.

**CONTINUING EDUCATION** – Twenty-four hours of continuing education will be required for all Kentucky resident independent and public adjusters who have held a license for at least one year. The continuing education compliance period is every two years, and is based on the licensee's birth year whether born in an even-numbered year or odd-numbered year. The first compliance due date under this new requirement will be **July 31, 2012**. **A total of 24 hours of continuing education is required, and 3 hours must be in a course concentration of ethics.**

### **BUSINESS ENTITY RESIDENT OR NONRESIDENT ADJUSTER**

The Kentucky Insurance Code provides for an adjuster license without distinguishing between a resident and a nonresident adjuster. Kentucky will verify electronically through National Association of Insurance Commissioners (NAIC) Producer Data Base (PDB), that a non-resident applicant is licensed and in good standing in the resident state. An authorized insurer shall not do business with an unlicensed adjuster in the commonwealth of Kentucky.

- **QUALIFICATIONS** – The staff adjuster license is limited to individuals only. To be licensed as an independent adjuster or public adjuster, the business entity applicant must have:
- Each individual who will act under the business entity license
  - Licensed as an individual adjuster for the same type of license (independent or public); and
  - Designated with the Department of Insurance to act under the license.

**APPLICATION** – The applicant is required to certify, under penalty of perjury, that the application for the license is true. Online application may be completed at [www.nipr.com](http://www.nipr.com).

**FEES** – The applicant must remit \$50 for the license plus all applicable fees for each individual for whom an application is filed. (See fees for individuals applying for the same license in the prior section.)

**FINANCIAL RESPONSIBILITY** – Must be financially responsible to exercise the license.

**NOTE: Proof of financial responsibility is no longer required to be filed with DOI, except if applying for a RESIDENT PUBLIC ADJUSTER license, applicant is required to file proof of \$20,000 Surety Bond Form 99-3, or \$20,000 Irrevocable Letter of Credit Form 99-2.**

**LICENSE RENEWAL** – The license continues in force until expired, suspended, revoked, or otherwise terminated if the licensee makes a written request for continuation and confirms certain other information in the Department of Insurance's records and pays the \$50 renewal fee.

Business Entity License renewal must be completed by March 31 in

- Odd-numbered years for a business entity licensed in an odd-numbered year, and
- Even-numbered years for a business entity licensed in an even-numbered year.

License is renewed online at [www.nipr.com](http://www.nipr.com), or through eServices at <http://insurance.ky.gov>.

- **Renewal** may be completed up to 6 months prior to license renewal deadline.
- **Renewal notification is mailed** to the current address of record filed with the Department at least 30 days before the renewal deadline.
- **Second notice email reminder** is sent on March 1 for business entities due for renewal.
- **Renew online** at <https://www.nipr.com>, or through eServices at <http://insurance.ky.gov>.
- **Confirmation** of renewal information is available on our website at <http://insurance.ky.gov> through eServices in the top right corner, or through Agent/Agency search from the home page.
- **Licensees** must initially be licensed for one full year, and then are subject to renewal.
- **Renewal deadline** is March 31 in even numbered years if licensed in an even year, or odd numbered years if licensed in an odd year.

License renewal is solely the responsibility of the licensee.

**Failure to Renew License by Deadline** – If licensee fails to renew license and pay any required fees within 60 days of renewal compliance date, the license will automatically expire. The licensee will be prohibited from conducting insurance business until the license is reissued.

However, if the licensee completes the renewal, pays late renewal penalty, and pays any required renewal fees within 60 days after the deadline, the license will be renewed with no gap in the licensure.

**REISSUE OF TERMINATED LICENSE** – If the **business entity** license expires, a newly completed license application with all required attachments and the applicable non-refundable fees will be required.

NOTE: there will be a gap in licensure from the termination date until the date of reissue. During this gap, the licensee cannot conduct business until the license is reissued.

### **INDIVIDUAL RESIDENT APPRENTICE ADJUSTER**

In the event the applicant for an adjuster's license meets all other requirements for the license but does not have the experience or special education or training for handling claims, the applicant may be issued a temporary license as an apprentice adjuster without passing the examination. But at all times, the apprentice adjuster must be subject to training, direction, and control by a licensed adjuster acting in the same capacity. Further, the apprentice adjuster license is good only for a period up to 12 months. Therefore, the apprentice adjuster must pass the examination and be issued a permanent independent, staff or public adjuster license to continue adjusting claims beyond the 12-month period. However, while the license is active, the apprentice adjuster has all of the privileges and obligations of other adjusters. In

addition, the apprentice adjuster is subject to administrative action against the license like all other adjusters licensed in Kentucky.

**QUALIFICATIONS** – To be licensed as an apprentice adjuster, the individual applicant must:

- Be at least 18 years old;
- Be a resident of Kentucky and designate Kentucky as his or her home state;
- Has a business or mailing address in the state for acceptance of service of process;
- Has not committed any act that is found for probation, or suspension, revocation, or denial of licensure as set forth in KRS 304.9-440;
- Be trustworthy, reliable, and of good reputation;
- Pay nonrefundable fees;
- Has provided an attestation from a licensed independent, staff, or public adjuster with the same line of authority for which the apprentice has applied, attesting that the apprentice adjuster shall be subject to training, direction, and control by the licensed adjuster, and further certifying that the licensed adjuster assumes responsibility for the actions of the apprentice in the apprentice's capacity as an adjuster.

**APPLICATION** – The applicant is required to certify, under penalty of perjury, that the application for the license is true. Electronic application may be made through [www.nipr.com](http://www.nipr.com).

Apprentice Adjuster applicants must also order a Criminal Background Report through <http://courts.ky.gov>. Apply for criminal background report online. The non-refundable fee is \$15, payable by credit card or electronic check.

- Click on "Obtain a Criminal Record Report"
- If you are a first-time user, select **Register** to create account. You will receive an e-mail to verify your e-mail address. If you have an account, click **Login** to access your account. You must select **AOC FastCheck**, then **Add a New Batch**. Under Category, select "**Licensing**;" under Group, select "**Dept of Insurance (DOI)**;" under Reason, select "**Licensing**." Follow these directions to complete your request to ensure the Department of Insurance receives an official copy of your report.

***Please note:** If you do not complete these steps, the Department of Insurance (DOI) will not receive the official copy of your background check and you will need to re-apply for a new report. Online requests are processed within 2 business days of being received. According to AOC, current processing time for background requests submitted on a paper form is 21 days.*

**FEES** – The apprentice adjuster license applicant must remit \$25 for the license.

**EXAMINATION** – There is no examination required for the apprentice adjuster license. However, the apprentice adjuster must pass the adjuster examination before being issued a permanent adjuster license.

Upon the issuance of an adjuster license, any existing apprentice adjuster license will terminate.



**LICENSE RENEWAL** – The apprentice adjuster license cannot be renewed, extended, or reissued. This temporary license is good only for a period up to 12 months and expires at the end of that period. Therefore, the apprentice adjuster must qualify for a permanent adjuster license to continue adjusting claims beyond the 12-month period.

### **INDIVIDUAL NONRESIDENT APPRENTICE ADJUSTER**

Kentucky does not issue non-resident apprentice adjuster licenses.

### **BUSINESS ENTITY RESIDENT OR NONRESIDENT APPRENTICE ADJUSTER**

The Kentucky Insurance Code limits the apprentice adjuster license to individuals. Business entities may not be licensed as apprentice adjusters.

### **WARNINGS**

**Notice of Action Against License** – Every licensee must notify the Department of Insurance in writing within 30 days of initiation of any of the following:

- **Disciplinary action** taken by any jurisdiction against the license or any other professional license; or
- **Criminal action** taken by any jurisdiction against the licensee.

**Address Change or Name Change** – Every licensee must notify the Department of any change in residence address, business address, or legal name within 30 days of the change. Agents, individual or business entity, surplus lines brokers, rental vehicle agents and managing employees, reinsurance intermediary brokers, and reinsurance intermediary managers are subject to a penalty up to \$1,000 for failure to do so. Adjusters, administrators, life settlement brokers, life settlement providers, and consultants are subject to a penalty up to \$2,000 for failure to do so.

**Address changes and name changes** should be submitted through eServices secure account by clicking on eServices at <http://insurance.ky.gov> to set up a password protected account. (Moving from Kentucky to another state may require surrendering the resident license and applying for nonresident license. Also moving to Kentucky from another state may require surrendering the nonresident license and applying for a Kentucky resident license.)

**Name changes for Business Entities** should be submitted through eServices, and all pertinent legal documentation approving the name change, including any amendments filed with the Kentucky Secretary of State, should be faxed or mailed to the Department of Insurance, Agent Licensing Division. Fax number 502-564-6030.

**Corrected License Certificate** – Because the insurance law requires that the license contain the licensee's name, city and state of principal place of business address, and other pertinent information, every licensee that changes this information may print a new license certificate through their secure eServices account. A license certificate or pocket ID card may be printed without charge.

**Change of Home State** – A nonresident licensee who changes his or her home state to a state other than Kentucky must file a change of address online through eServices. No fee or license application is required.

## MISCELLANEOUS INFORMATION

**Notice of Commissioner's Order** – Every licensee is deemed to have received any notice or order of the Commissioner mailed to the licensee's address on file with the Department of Insurance.

**Licensee's Office Open to Public** – If Kentucky is the home state, the licensee is required to have and maintain an office in Kentucky that is accessible to the public, and that is the place where the licensee principally conducts transactions under the license. This requirement does not prohibit the licensee from maintaining this office with an insurer, the employer, or in the home of the licensee.

(Kentucky is the home state if the licensee has a Kentucky residence address or if Kentucky is the principal place of business.)

**Display of License and Retention of Records** – The license of all licensees must be conspicuously displayed in each Kentucky place of business in a location customarily open to the public. In addition, complete records of transactions under the license must be kept at the place of business for at least five years after completion of the purpose for which it was created. [KRS 304.9-390 and 806 KAR 2:070]

**Service of Process** – All nonresident licensees are deemed to have irrevocably appointed the Kentucky Secretary of State to receive service of process in any court action against the licensee arising out of transactions under the Kentucky license.

**Designations** – A licensed business entity can only exercise its license through a designated licensed individual. Each designated individual has to hold the same kind of license as the business entity and, if the business entity license has lines of authority, have at least one of the same lines of authority. Further, the designated individual may only exercise the business entity license for the lines of authority held in common by both the business entity and the individual. (For example, a business entity is like a building: it cannot operate unless there is an individual to act for it in collecting the facts, interacting with the claimants, and settling the claims.)

Each licensed business entity must file with the Department of Insurance

- **Electronic Form 8305 through eServices – Notice of the designation** of an individual within 30 days of the designation;
- **Electronic Form 8305 through eServices – Notice of termination** of the designation within 30 days of the termination of designation.

### **Request for Kentucky Nonresident License –**

- Kentucky will verify electronically through National Association of Insurance Commissioners (NAIC) Producer Data Base (PDB), that the nonresident applicant is licensed and in good standing in the resident state. However, if applicant is not on PDB, the Department will request additional information at that time.
- A nonresident individual or business entity, which has a Kentucky nonresident license and changes its home state, must file a Record Correction through eServices.

### **Request for Kentucky Resident License –**

- Kentucky will verify electronically through PDB, that the nonresident applicant is no longer licensed in the other state.

**Purchase of Kentucky Insurance Code –** *Kentucky Insurance Laws and Regulations, most current Edition*, is available for purchase through the Department of Insurance.

In the alternative, the licensee may access Kentucky's insurance laws and administrative regulations at this link: [http://insurance.ky.gov/Laws.aspx?Div\\_id=2](http://insurance.ky.gov/Laws.aspx?Div_id=2). Select Chapter 304 Insurance Code, Subtitle 9.

**Forms and Additional Information –** applications and other forms for all licensees are available through the Department's website at <http://insurance.ky.gov> under the "Agent Licensing Information" section of the menu, then select "Forms and Documents". A licensee is able to set up a secured password protected account through eservices to view personal information pertinent the licensee. The Licensing Division is also available to provide information and answer questions through its e-mail address at [DOI.AgentLicensingMail@ky.gov](mailto:DOI.AgentLicensingMail@ky.gov) or by telephone at 502-564-6004.

**AGENT LICENSING AND OFFICE OF LEGAL SERVICES  
INSURANCE LEGAL DIVISION  
AGENT LICENSING DIVISION  
GUIDELINES FOR PROCESSING LICENSING APPLICATIONS WITH  
NEGATIVE BACKGROUND INFORMATION  
APPROVAL / DENIAL/PROBATION**

Upon receipt of every application, NAIC Regulatory Actions are checked as part of the initial processing procedure.

**1. Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?**

"Crime" includes a misdemeanor, felony or a military offense. You may exclude misdemeanor traffic citations or convictions involving driving under the influence (DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license and juvenile offenses.

"Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence or a fine.

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each incident,
- b) a certified copy of the charging document,

c) a certified copy of the official document, which demonstrates the resolution of the charges or any final judgment.

If you have a felony conviction, have you applied for a waiver as required by 18 USC 1033?

N/A \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_

If so, was that waiver granted? (Attach copy of 1033 waiver approved by home state.)

N/A \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_

Agent Licensing checks to make sure all three of the above-mentioned requests are attached to the application. When all documentation is complete, the application goes to “review.” Details on what is needed are as follows:

- a SIGNED, written statement explaining the circumstances of each incident (Must be VERY detailed – complete explanation – not just three or four sentences.)
- a copy of the charging document (police citation, indictment, warrant, or other court document you received when charges were made).
- a copy of the official document which demonstrates the resolution of the charges or any final judgment (court document showing final judgment of conviction, diversion agreement, or final court order signed by judge).

If these documents are no longer available from the court office, then a letter must be submitted from that court office stating they have been destroyed, OR a computer printout from the court office that is “certified” by a court employee may be submitted in lieu of the original documents.

**2. Have you or any business in which you are or were an owner, partner, officer or director, or member or manager of limited liability company, ever been involved in an administrative proceeding regarding any professional or occupational license, or registration?**

“Involved” means having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, a cease and desist order, a prohibition order, a compliance order, placed on probation or surrendering a license to resolve an administrative action. “Involved” also means being named as a party to an administrative or arbitration proceeding, which is related to a professional or occupational license. “Involved” also means having a license application denied or the act of withdrawing an application to avoid a denial. You may EXCLUDE terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.

If you answer yes, you must attach to this application:

- a) a written statement identifying the type of license and explaining the circumstances of each incident,
- b) a certified copy of the Notice of Hearing or other document that states the charges and allegations, and
- c) a certified copy of the official document, which demonstrates the resolution of the charges or any final judgment.

Agent Licensing checks to make sure all three of the above-mentioned requests are attached to the application. If not, Agent Licensing writes back to the applicant to obtain these records. After receiving all attachments, the application goes to “review.”

**3. Has any demand been made or judgment rendered against you or any business in which you are or were an owner, partner, officer or director, or member or manager of limited liability company, for overdue monies by an insurer, insured or producer, or have you ever been subject to a bankruptcy proceeding? Only include bankruptcies that involve funds held on behalf of others.**

If you answer yes, submit a statement summarizing the details of the indebtedness and arrangements for repayment, and/or type and location of bankruptcy.

Personal bankruptcies are excluded. Agent Licensing reviews all documentation on demand, judgment, or bankruptcy. The applicant is contacted if additional documentation is required for determination. If there is a bankruptcy, Agent Licensing requests that the "Discharge of Debtor" is attached to application with a brief explanation of reason for bankruptcy. Also, if the bankruptcy happened within the last two years, a list of creditors must be supplied. Agent Licensing accepts faxed copies.

**4. Have you been notified by any jurisdiction to which you are applying of any delinquent tax obligation that is not the subject of a repayment agreement?**

If you answer yes, identify the jurisdiction(s): \_\_\_\_\_

According to KRS 304.9-440 (1)(o) and other applicable state law, the Department of Insurance denies any applicant who has delinquent tax obligation that is not the subject of a repayment agreement in Kentucky. However, we will keep the application in a pending status for a brief extended period of time to allow applicant to contact Kentucky Revenue Cabinet and set up a repayment agreement. DOI must receive documentation showing there is a repayment arrangement with Kentucky Revenue, or at least that a KY Revenue employee has been assigned to your case. Each application is reviewed on a case by case basis, and it may be necessary to issue an agreed order of probation for the same period of time it takes to repay the obligation to the state. Once the agreed order is signed by the applicant and the commissioner, the application will be processed.

**5. Are you currently a party to, or have you ever been found liable in, any lawsuit or arbitration proceeding involving allegations of fraud, misappropriation or conversion of funds, misrepresentation or breach of fiduciary duty?**

If you answer yes, you must attach to this application:

- a) a written statement summarizing the details of each incident,
- b) a certified copy of the petition, complaint or other document that commenced the lawsuit or arbitration, and
- c) a certified copy of the official document, which demonstrates the resolution of the charges or any final judgment.

Agent Licensing checks to make sure all three of the above-mentioned requests are attached to the application. If not, Agent Licensing writes back to the applicant to obtain these records. After all documentation is received, application goes to "review."

**6. Have you or any business in which you are or were an owner, partner, officer or director, or member or manager of limited liability company, ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct?**

If you answer yes, you must attach to this application:

- a) a written statement summarizing the details of each incident and explaining why you feel this incident should not prevent you from receiving an insurance license, and
- b) certified copies of all relevant documents.

Agent Licensing checks to make sure all of the above-mentioned requests are attached to the application. If not, Agent Licensing writes back to the applicant to obtain these records. After all documentation is received, application goes to “review.”

**7. Do you have a child support obligation in arrearage?**

If you answer yes,

- a) by how many months are you in arrearage?
- b) are you currently subject to a repayment agreement?
- c) are you the subject of a child support related subpoena/warrant?

Agent Licensing requires applicant to submit official documentation showing that child support payments are being made. This may be a computer printout from court-ordered overseer of the account, or a copy of pay stubs showing automatic withdrawal of child support payments.

**NOTES:**

Any time a background infraction is disclosed, the review may require additional time in order to go through several levels. Based on the charges, the application may be pending review for several weeks, even several months. Occasionally, our office has to make calls or correspond with other attorneys or court offices to obtain all the information we need to make a fair judgment.

Each applicant is encouraged to provide ALL requested documents when submitting the application initially. This allows the application to go to “review” as soon as it is entered in our system, without having to write back for additional items.